

March 10, 2020

EDWARD J. EMMONS, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

1 KASOWITZ BENSON TORRES LLP
MARGARET ZIEMIANEK (SBN 233418)

2 *mziemianek@kasowitz.com*
EDWARD E. SHAPIRO (SBN 326182)

3 *eshapiro@kasowitz.com*
101 California Street, Suite 3000
4 San Francisco, California 94111
Telephone: (415) 421-6140
5 Facsimile: (415) 398-5030

6 KASOWITZ BENSON TORRES LLP
ROBERT M. NOVICK (*PRO HAC VICE*)

7 *rnovick@kasowitz.com*
1633 Broadway, 21st Floor
8 New York, New York 10019
Telephone: (212) 506-1700
9 Facsimile: (212) 506-1800

10 Attorneys for Plaintiff Leap Tide Capital Management, LLC

11 UNITED STATES DISTRICT COURT

12 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

13 In re

14 DIADEXUS, INC.,

15 Debtor.

16 LEAP TIDE CAPITAL MANAGEMENT,
17 LLC,

18 Plaintiff,

19 vs.

20 LORI RAFIELD; LEONE PATTERSON;
ELIZABETH HUTT POLLARD; JAMES R.
21 SULAT; JOHN J. SPERZEL; KAREN
DREXLER; and JOHN T. CURNUTTE,

22 Defendants.

Case No. 18-CV-04002-CRB

(Bk. No. 16-30654-HLB – Ch. 7)

**STIPULATION OF DISMISSAL WITH
PREJUDICE : ORDER**

Hon. Charles R. Breyer

1 By and through their respective undersigned counsel, Plaintiff Leap Tide Capital Management,
2 LLC ("Plaintiff") and current and former defendants Leone Patterson, Kenneth C. Fang, Adeoye
3 Olukotun, Elizabeth Hutt Pollard, James R. Sulat, John J. Sperzel, John T. Curnutte, Karen Drexler and
4 Lori Rafield ("Defendants") hereby stipulate and agree as follows:

5 WHEREAS, the parties have agreed to a settlement of this matter;

6 PLAINTIFF AND DEFENDANTS HEREBY STIPULATE, by and through their respective
7 counsel of record, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), to dismiss the above-
8 captioned matter with prejudice. This stipulation and dismissal terminates the above-captioned action
9 against all parties. Each party shall bear its own costs and attorneys' fees.

10 Respectfully submitted,

11 Dated: March 5, 2020

KASOWITZ BENSON TORRES LLP

12 By: /s/ Robert M. Novick
13 Robert M. Novick

14 1633 Broadway
15 New York, NY 10019
16 Telephone: 212.506.1700
17 Facsimile: 212.506.1800

Attorneys for Plaintiff

18 Dated: March 5, 2020

FENWICK & WEST LLP

19 By: /s/ Susan S. Muck
20 Susan S. Muck

21 555 California Street, 12th Floor
22 San Francisco, CA 94104
23 Telephone: 415.875.2300
24 Facsimile: 415.281.1350

Attorneys for Defendants

Pursuant to Civil Local Rule 5-1(i)(3), all signatories concur in filing this stipulation.

Dated: March 5, 2020

KASOWITZ BENSON TORRES LLP

By: /s/ Robert M. Novick
Robert M. Novick

1633 Broadway
New York, NY 10019
Telephone: 212.506.1700
Facsimile: 212.506.1800

Attorneys for Plaintiff

Date: March 9, 2020

